

Architecture
& Engineering Solutions LLC
Masterplanning / Architecture / Engineering / Construction Management
4020 North 20th Street Suite 308 / Phoenix AZ 85016 / 602-241-3335 / Fax 602-241-3353

August 29, 2005

City of Scottsdale
Planning & Development Services
7447 E. Indian School Rd., Suite 105
Scottsdale, AZ.

RE: **Project Narrative for Zoning Ordinance Variance**
NEC Via Linda & 90th Street; New Parcels at Fry's Center

Project Narrative

The existing Fry's Marketplace was originally built as a Smitty's store approximately 20 years ago. The center met all of the City's required open space requirements at the time of its construction. The standards for open space as a percentage of area relative to the overall site area have not changed substantially since the time of the original Smitty's construction.

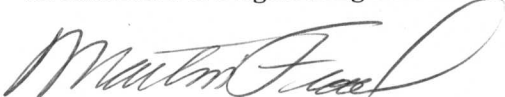
In the 1990's, ADOT constructed a freeway West of the Smitty's store and in doing so took approximately 65,686 SF of the shopping centers open space located directly West of the store itself. Although the area taken by ADOT is now owned by the state, the area is used as a landscape buffer located directly adjacent to the freeway. This landscape buffer use for ADOT is the same use as this area was originally used for the Smitty's store.

The Barclay group is a developer that is currently purchasing several land areas from the Fry's marketplace for the purpose of building retail shops within a portion of the existing Fry's parking lot. The proposed new retail shop sites will become part of a land division and the proposed sites will 'Stand alone' in terms of meeting the Cities open area, landscaped areas within a parking lot and minimum parking count. These new retail building sites and the rest of the site which is the Fry's store plus its parking field and open areas would all meet or exceed the minimum standards for open area, landscaping area with a parking field and parking count and thus "Stand alone" except for the area taken by ADOT for the freeway. The area taken by ADOT equals 65,686 SF and the open area the Fry's store requires is 60,232 SF. Because the Fry's store was over the minimum open space requirement by 24,156 SF originally, after ADOT took the area the total deficit remaining is only 41,350 SF.

Because the landscaped open area taken by ADOT from Fry's for the freeway is still serving the same purpose to the community which is providing a landscape buffer (only for the freeway VS Fry's in this case) we feel that requesting this variance is highly justifiable.

Please call if there are questions regarding any portion of this submittal. We look forward to meeting with the City once this package has been reviewed.

Architecture & Engineering Solutions, LLC



Martin Flood, AIA
Manager/Principal

10-BA-2005
8/30/2005

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RE: Justification for Variance
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1. Special circumstances/conditions exist which do not apply to other properties in the district.

The special circumstance that exists on this site VS others in the district is that ADOT did not take open space from other developments within the area, they only took area where it was needed to build the freeway. Because the open space taken from Fry's was dedicated to open landscaped area originally and still is being used for that purpose by ADOT now, there really is not detriment to the surrounding neighborhood. The space was open landscaping and still is open landscaping and although the ownership of this landscaped area has changed, the land still serves the same effect that being a landscape buffer from one development to another adjacent development.

2. Authorizing the variance is necessary for the preservation and enjoyment of substantial property rights.

To preserve the property rights of the owners of the Fry's marketplace and to those who seek to build additional shop building this variance should be granted. Because ADOT took the open landscape area away from Fry's if the variance is not granted then Fry's is discriminated against because they lost the ability to further develop their property through choices made by someone other than themselves. Keep in mind that when originally constructed (and by current day codes) the center had substantially more open landscaped area than was required by code.

3. Special circumstances were not created by the owner or applicant.

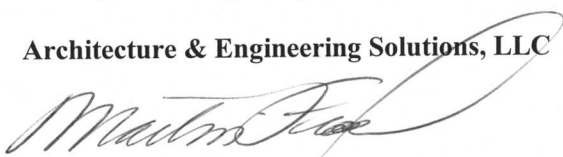
The taking of the open landscaped area from the Fry's parcel was done by ADOT through eminent domain. Fry's in no way caused this circumstance to occur.

4. Authorizing the application will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare in general.

Granting this variance will not affect any one within the community because the open landscaped area was originally a landscape buffer between Fry's and the adjacent neighborhood and now it is a landscape open space buffer between Fry's and the freeway.

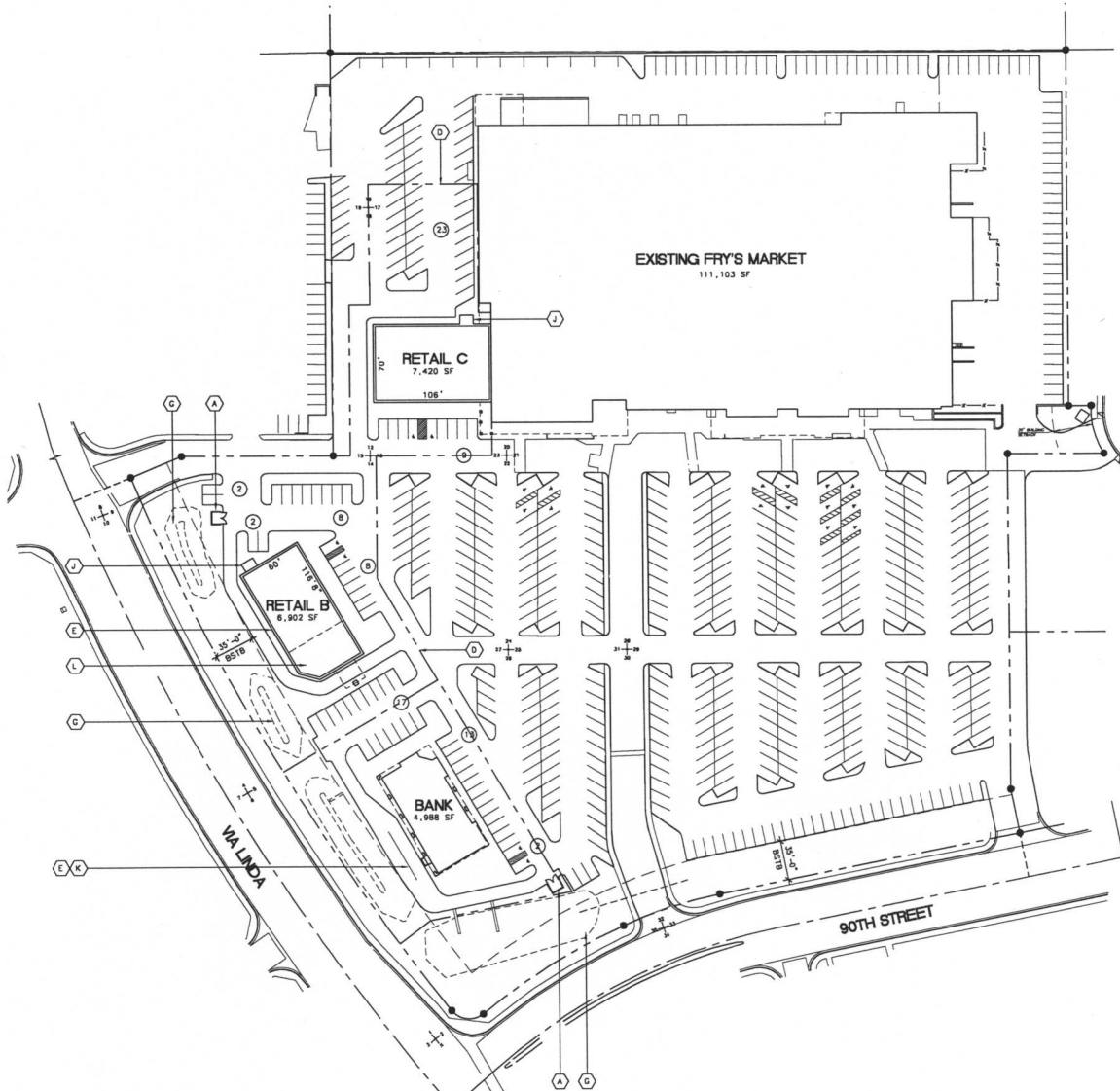
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SITE DATA

SITE AREA (NET)	: 520,994 SF (11.98 AC), PER ALTA
ZONING	: C-3, HIGHWAY COMMERCIAL DISTRICT
PROPOSED USES	: RETAIL
BUILDING AREA	
FRY'S MARKET	: 111,103 SF (EXST)
RETAIL B	: 6,902 SF
RETAIL C	: 7,518 SF
1ST BANK	: 4,988 SF
LOT COVER (ALLOW)	: 418,795 SF (.8 X NET LOT AREA)
LOT COVER	: 130,509 SF - 520,994 SF = 25.0 %
FRONT YD SETBACK	: 35'-0"
REAR YD SETBACK	: 0'-0"
SIDE YD SETBACK	: 0'-0"
BUILDING HEIGHT	: 36'-0"
PARKING REQUIRED	
FRY'S MARKET	: 111,103 SF @ 1:300 SF = 371
RETAIL B	: 6,902 SF @ 1:250 SF = 28
RETAIL C	: 7,518 SF @ 1:250 SF = 31
1ST BANK	: 4,988 SF @ 1:250 SF = 20
TOTAL	: 450
PARKING PROVIDED	
FRY'S MARKET	: STANDARD 438
ACCESSIBLE (% OF TOTAL)	: 14
RETAIL B	: STANDARD (9' X 18' MIN) 28
ACCESSIBLE	: 2
RETAIL C	: STANDARD 30
ACCESSIBLE	: 2
1ST BANK	: STANDARD 20
ACCESSIBLE	: 2
TOTAL	: 534
SITE PARKING RATIO	: 130,509 SF/534 = 4.09 STALLS/1000
PARCEL AREA *	
RETAIL B	: 46,568 SF (1.07 AC)
RETAIL C	: 27,748 SF (0.64 AC)
1ST BANK	: 31,321 SF (0.72 AC)
* INCLUDES REQUIRED SELF-PARK AREA	

KEYNOTES

- 6" H TRASH ENCLOSURE.
- PROPOSED TENANT DEMISING WALL, TYPICAL.
- LANDSCAPED AREA.
- PROPOSED PARCEL LINE.
- 12' W DRIVE-THRU LANE.
- NOT USED.
- EXISTING RETENTION BASIN TO REMAIN.
- 10' X 30' LOADING AREA.
- 8' X 12' OWNER'S ROOM.
- 12' W DRIVE-THRU ESCAPE LANE.
- 1,776 SF DRIVE-THRU SUITE.



PROMPT PAYMENT NOTIFICATION
OWNER SHALL BE RESPONSIBLE FOR
OWNERS TO MAKE PAYMENT
WITHIN THIRTY DAYS AFTER
RECEIVING INVOICE AND
OF BILLINGS AND ESTIMATES.

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Site / Elevation Study for
BARCLAY GROUP
NWC VIA LINDA & 90TH STREET
SCOTTSDALE, ARIZONA 85258



DATE	REVISIONS

CONTRACT NO.	04047
MADE BY	TLR
CHECKED	
DATE	08-09-05
SITE PLAN	OPTION 8C

DRAWING NO.	NO. PAGES
A10	

10-BA-2005
8/30/2005